



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 9, 1998

Mr. Jason C. Marshall  
Nichols, Jackson, Dillard, Hager  
& Smith, L.L.P.  
1800 Lincoln Plaza  
500 North Akard  
Dallas, Texas 75201

OR98-1626

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116725.

The City of DeSoto (the "city") received an open records request for "[a]ll police department records, files, etc." regarding the requestor. You state that a search of the police department records revealed over twenty separate files that are responsive to the request. You contend the requested records are excepted from required public disclosure pursuant to section 552.108(a) of the Government Code.

Section 552.108(a) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or
- (3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

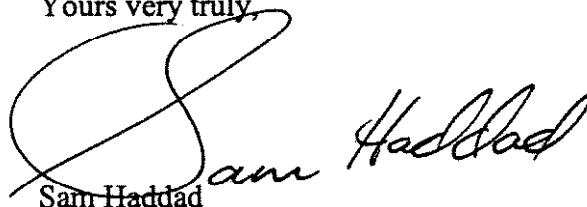
(B) reflects the mental impressions or legal reasoning of an attorney representing the state . . . .

You have submitted to this office as responsive to the request 22 separate files that either pertain to pending police investigations or have been closed. Because you have informed us that some of the records at issue pertain to pending investigations, we conclude that you have met your burden of establishing that the release of those records at this time could interfere with law enforcement or prosecution. The city therefore may withhold most of the information contained in those files at this time pursuant to section 552.108(a)(1). Similarly, the city may withhold most of the information contained in the closed files pursuant to section 552.108(a)(2) because the investigations have finally concluded and did not result in a conviction or deferred adjudication.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release these types of information from each of the requested files, including a detailed description of the offense, in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) to the extent these categories of information are contained in the police offense or incident reports.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is stylized with a large, looping initial "S".

Sam Haddad  
Assistant Attorney General  
Open Records Division

Ref.: ID# 116725

Enclosures: Submitted documents

cc: Mr. Durward H. Davis  
514 North Hampton  
De Soto Texas 75115  
(w/o enclosures)